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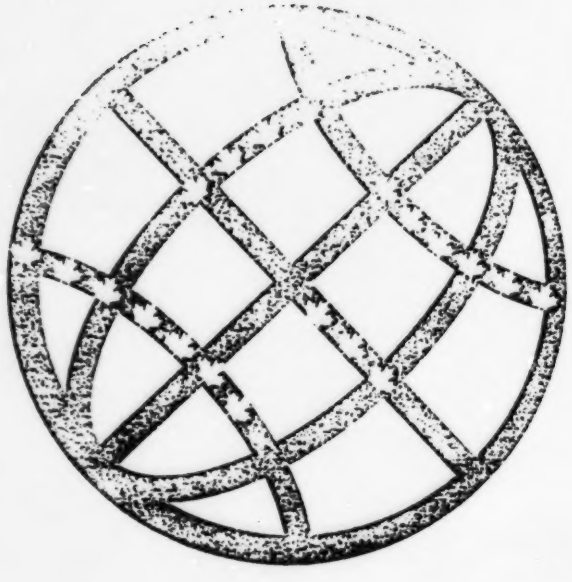
CIVIL SOCIETY AND SUMMITS

John Hay



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Summits: Best Practices for Canada
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Summary:

DFAIT's public consultation efforts demonstrate that some aspects have worked well while others remain wanting. In particular, DFAIT's commitment to the consultation process is viewed as inconsistent and superficial while NGO contributions are considered impractical and ill-informed. At the same time, DFAIT and NGOs were not entirely discouraged by the experience thus far of public consultations, noting as some positive developments the establishment of contacts and the desire to expand on these new relationships. Special reference is made to the discontent with the public consultations for the Santiago and Vancouver summits among everyone involved (policymakers, NGOs) and the view that the corresponding people's summits did not influence Canadian policy or outcomes of the summits. One explanation of the weak public consultation process could be relation to the lack of resources and personnel in DFAIT to properly conduct and engage in public consultations, and to subsidise NGOs and others who are part of the public consultation process. Special mention is made of the CCFPD as facilitating consultations that are policy-relevant and indepedently organised.

Policy recommendations:

- to ensure clarity about the priority of public consultations, the principle of public participation should be affirmed in DFAIT and operationalised in the routines of the department;
- effort should be made to reach agreement among policy-makers and NGOs about the objectives of public consultation;
- DFAIT should make timely and adequate information available to the NGOs about government policy and positions on, for example, decisions to be taken and international negotiations;
- improved feedback and follow-up by DFAIT which thus far has been scant and unsatisfactory, especially regarding specific exercises in the consultation process;
- development of continuous, regular, and close relations with NGOs and other groups willing to form long-term relationships in the policy process;
- integrate financial and personnel requirements of public consultation into DFAIT budget planning
- NGOs to identify among themselves participants in consultation exercises to manage the participation at efficient levels

"Ensuring Canada's success as a society in a changing world must be a shared enterprise. The future of each one of us depends on it. That is why the Government is pledged to an open foreign policy process."

Canada in the World

The Government and the Minister of Foreign Affairs are committed to opening Canadian foreign policy to broader and more influential public participation. To that end, DFAIT has invested considerable effort to make the policy process more transparent, more accessible, and more responsive to citizens' interests and values. What follows here is a brief progress report on the department's public consultations. Based on interviews with leaders in the NGO community, scholars and members of the department, it draws chiefly on experiences surrounding the Vancouver and Santiago summits but reflects as well the lessons of earlier events. The purpose is to identify the best practices of the recent past—and to illuminate persisting discontents.

Why consult? The issue of objectives

Not much can usefully be said of success or failure in public consultations while the objectives of those exercises remain ill-defined, contradictory, or hidden from an open assessment of results. And in truth, the issue of objectives continues to inspire uncertainty, suspicion and disagreement within and outside the department. It is neither surprising nor in itself a bad thing that different parties approach policy discussions with different aims. What is striking, however, is the confusion of objectives that participants ascribe to themselves and impute to others—with the consequent potential for ill will and

misunderstanding. To cite some of the objectives commonly expressed in DFAIT and in the NGOs:

- Policy improvement—by eliciting informed advice from academics, for example, or from NGOs with unique first-hand experience in the field;
- Democratization—by engaging Canadians in formulating, implementing and evaluating the foreign policy of their own government;
- Assessment of domestic public opinion—to determine what Canadians want, expect or will tolerate in foreign policy, sometimes in preparation for an attempted modification of public attitudes;
- Legitimation—to attract public acceptance of the procedures and outcomes of policy-making, thereby reinforcing policy durability;
- Relationship-building—to create and institutionalize a routine of consultation between DFAIT and the interested Canadian public;
- Persuasion—to convince skeptics and critics that Government intentions and conduct are reasonable within the bounds of "the possible";
- Co-optation—to subdue public criticism of the Government by recruiting potential critics into the policy process;
- The Demonstration Effect—encouraging other governments to open themselves to public scrutiny and advice by a display of productive openness in Canada.

All these objectives, and others besides, are cited either as actual or desirable aims of participants in DFAIT's public consultations. Plainly, they do not all sit easily together. More to the point, uncertainties about intentions have led to disappointments and frustrations on all sides.

Recommendation: As a matter of urgency, and with direct and continuing ministerial attention, senior managers of DFAIT should affirm the principle of public participation and operationalize the principle in the routines of the department. It is not now clear, either to NGOs or to officers in the department, that acting on this principle is a genuine departmental priority.

Recommendation: At the outset of every exercise in public consultation, members of DFAIT and members of the public should strive to agree on shared objectives—or at least to articulate their different objectives and expectations explicitly. Goal definition can speed the process, diminish misunderstanding and prevent disappointment.

Vancouver and Santiago: progress and discontent

The documentary record and participants in later accounts all agree that DFAIT's public consultations for the Vancouver and Santiago summits disappointed almost everybody—ministers, officials and the NGO community. Ministers are widely credited with showing (eventually) a real readiness to engage NGOs in discussion. For many in the NGOs, however, the department's institutional commitment to consultation was and remains episodic, superficial and inconclusive. Officials, for their part, (particularly those who had hoped for better) generally judge NGO contributions to policy as shallow and impractical. All sides agree that documentary information supplied by DFAIT to NGOs and others in the consultations was late and insufficient. As one result, policy recommendations that NGOs pressed on the department were too often uninformed or disconnected from the course of the negotiations.

This raises a key point: Those in the department who deny access for NGOs and other citizens to essential information and insights—then accuse them of ignorance and unreasonableness—do more to perpetuate the problem than to resolve it. Ill-informed outsiders lack credibility and may indeed be a nuisance to policy-making; the answer is to inform them, not to exclude them. It is not a satisfying response to say that rules and norms of APEC or hemispheric summitry forbid more transparency. The secrecy in these new and evolving institutions arouses understandable misgivings among Canadians who welcome the Government's commitment to openness and participation.

Recommendation: If DFAIT seeks to solicit informed advice and generate supportive and informed discourse, it will have to make available timely and adequate information before decisions are taken or agreements negotiated. Information about Government views and about international negotiations is especially valued by NGOs and others seriously committed to co-operating with DFAIT (and by journalists serious about explaining policy and negotiations to a wider public).

As Canada assumes the summit chair and other leadership roles in the hemispheric calendar over the next three years, DFAIT can seize opportunities to enhance transparency in the inter-American system. Mitchell Sharp's "open mouth policy," deployed with good effect in guiding Canadian conduct on the ICCS in Vietnam, might serve as a model of constructive unilateralism: A credible Canadian declaration of transparency in preparing the next Summit of the Americas could help create new norms of public participation.

Shortcomings acknowledged, DFAIT and NGO participants in these consultations were not entirely discouraged by the experience. Officials who worked on the APEC and

Americas summits report that they made worthwhile and lasting contacts among the NGOs; members of the Mexico and Inter-American Division expressed particularly thoughtful and willing interest in expanding these relationships in preparing for the coming summit in Canada. Officials also report that NGOs had some (modest) influence on the language of summit agreements—on indigenous peoples in the Americas, for instance, and on the importance of promoting "civil society" itself.

NGO activists—those at least who succeeded in meeting officials or ministers—report similar achievements. Those active in APEC affairs recognized that they learned a lot about APEC's rather intricate political dynamics, and admit they had a lot to learn. Some of them believe that a few DFAIT officials did a little learning of their own, growing less reluctant to enlarge APEC's agenda beyond commerce.

Still, there remain real divisions—between some organizations increasingly eager for their first access to the policy process, others (like the Canadian Labour Congress) for whom access is not nearly enough and who look to influence policy, and some who oppose any collaboration that might carry a whiff of co-optation. Nowhere is the division more evident than in the phenomenon of the "people's summit," a raucous coming together of oppositional and co-operative organizations in a spirited appeal to media attention. Nobody in the department or in Canadian NGOs believes the people's summits in Vancouver or Santiago had significant influence on Canadian policy or summit outcomes; in that sense they represented a dysfunctional (and perhaps hypocritical) non-participation in the policy process. Even so, people's summits may have served to build solidarity among NGOs in Asia-Pacific and the Americas, and so strengthen the forces of democratization. The other objective behind people's summits is television coverage, and

the presumed popular sympathies evoked wherever those pictures are seen. The Government's application of pepper spray in Vancouver greatly intensified TV coverage of that people's summit, to the pleasure of the organizers if not the victims.

On balance, it is likely that the collaborative impulse among Canadian NGOs will prevail over confrontation—but only if the department and its ministers extend encouragement. Canadians who attended Vancouver or Santiago events report their own impression that they, more than nationals of any other country except possibly the United States, were willing to meet the government delegation and work co-operatively on policy. Even deeply skeptical critics of Canadian policy accept the legitimacy of collaborative attempts alongside the antagonistic tactics of protest.

Advancing the cause of consultation requires, among other things, far better feedback and follow-up by DFAIT than it has provided since the Vancouver or Santiago summits. All the NGO people approached in this study, and several of the officials, volunteered that departmental follow-up with interested NGOs has been scant and unsatisfactory. Even those groups most eager to work with the department have felt left in the dark as to their effect on policy, if any, or their potential role in implementation. This is causing disillusionment, if not downright resentment, among people who might have thought of themselves (in optimistic moments) as DFAIT's partners in a good cause.

Recommendation: Integral to every exercise in public consultation ought to be formal procedures of follow-up, implementation and evaluation by DFAIT and its citizen-partners. That is the time to address questions of what worked and what didn't, and for the department to reassure participants that consultation—whatever the outcome—has not been a charade.

Recommendation: One of DFAIT's objectives should be the development of continuous and close relations with NGOs and others willing to form long-term relationships in the policy process. Perhaps the commonest complaint among NGO leaders is the department's practice of indulging in a rush of spasmodic, event-driven meetings and later ignoring their partners. Exceptions stand out: Officials handling human rights files have for years consulted regularly with NGOs (even if the results do not always satisfy NGO participants); but these are exceptions nonetheless. Failure to build relationships has its own implications, including a tendency on all sides in the crisis of the moment to fall back on ill-informed position-taking at the cost of learning and accommodation.

All of this inevitably comes down to money—resources of personnel and time in the department to consult about policy as well as to make and conduct it, and resources to subsidize NGOs and others with contributions to offer. To announce consultation and not to deliver in meaningful ways is to betray the principle and turn friends into adversaries. There is a widespread sense, in and outside DFAIT and arising out of the austerities of the department's allocations, that the department has not yet committed resources sufficient to redeem the promise of public participation in foreign policy. Case in point: To engage Canadians in productive and informed participation in the coming Summit of the Americas will demand skilled people in the department who can join and guide discussions, speak authoritatively on policy, design websites, and otherwise interact with interested constituencies in Canada and throughout the hemisphere. It will also demand aid to NGOs and others who cannot afford to engage in the activities of policy development.

Recommendation: To secure concrete results from its commitment to public participation in foreign policy, DFAIT should fully integrate the financial and personnel requirements of public consultation into its budget planning.

Finally, and before attempting a list of best practices for the future, an unsolved riddle: How, exactly, should the department decide who is to be consulted? If DFAIT goes about picking interlocutors on its own it will be charged, as it has been, with authoritarian manipulation of the process. But if it invites the self-selection of "representative" spokespeople and organizations it subjects itself to crowds of special pleaders and insiders—with no assurance either of representativeness or competent advice.

The riddle defies simple solution. From time to time, probably, a real commitment to consultation will oblige ministers and officials to endure confrontations they would rather escape. Nor is it ever easy to judge who speaks for whom, whatever their claims. It is true too that all the NGOs taken together still do not constitute the whole of Canadian society. That implies other techniques for measuring public opinion—opinion surveys, focus groups and the like. For at least a partial solution, however, it is well to revisit the issue of objectives: If expert advice is your objective, go find the experts; but to develop relationships, or begin mutual learning, or legitimize future decisions and actions, cast more widely for familiar leaders and for voices not yet heard. This last point needs re-emphasis: Experience suggests much can be gained if the department seeks out those who do not spontaneously think of themselves as "foreign policy" people—anti-poverty groups, child-welfare activists, farmers, shamans, botanists, miners—those whose wisdom might not have been heard.

But do not look for direction in the fashionable phrase "civil society," an expression generally defined (or not) according to the interests of the person using it. The bald fact is that there is among Canadians no consensus, and significant disagreement, on who is in "civil society" and who is not.

Recommendation: Whenever possible, the department should identify interested or potentially interested groups and leave them free to nominate their own participants in consultation. A valuable model can be found in the UNCED experience, in which a small steering committee from the NGO community served as the centre of a wide network of NGOs active in development and the environment. An otherwise unwieldy proliferation of interest groups thereby became both manageable and effective in helping the government define policy. The added benefit of having earned a reputation for openness, of course, is that ministers and officials are then freer to meet whomever they choose without reproach.

Best practices: what works, what doesn't

1. Lasting relationships. The most productive consultations have been conducted in the course of developing strong, institutionalized relations with interested Canadians in and out of the NGOs. The annual meetings of officials on human rights were mentioned above, but there have been too few similar examples. Relationships instruct; they build trust; they reassure members of the broader community; they lay the groundwork for public understanding and acceptance of future decisions and conduct; they create valuable partnerships for domestic implementation.

2. Citizen involvement in government delegations. At the 1993 human rights conference in Vienna, at UNCED in Rio and at other negotiations, Canadian NGOs have collaborated closely with Canadian government delegations, with positive results reported both by officials and by NGOs. NGOs profit from an intensive instruction in the realities of multilateral negotiation; officials profit from immediate advice and a stronger sense of how particular domestic interests might be affected by the agreements under negotiation.

3. Funding. UNCED is now remembered among NGOs as a model of government-NGO collaboration in part because government departments subsidized NGOs to maximize their capacity and effect. At Vancouver, by contrast, NGOs were particularly embittered by the ban imposed against the use of government funds for helping developing-country NGOs attend the people's summit. That decision is considered in the department and among NGOs to have been a mistake.

4. Confronting the problem of representation. As discussed above, this problem does not go away. It has been handled in the past, however, by placing the question of selection to consultations at one remove from DFAIT. Before the Santiago summit, FOCAL with its comprehensive list of contacts was invited to arrange a series of regional round-tables. The project suffered, mostly from a lack of time, but the principle of inviting knowledgeable outsiders to decide selection and representation questions is sound. In this respect, the department has at hand the Canadian Centre for Foreign Policy Development, which is developing the capacity (and an expanding network of contacts) to facilitate consultations that are both policy-relevant and independently organized.

5. Looking to Parliament. The Commons has undertaken an unprecedented foreign-policy workload since 1993. But the relationship of MPs to NGOs and other participants in DFAIT's public consultation efforts remains ambiguous and weak. NGO activists, departmental officials and a former MP all confirmed that Parliament's role in the transformation of policy-making has yet to emerge with any clarity. NGOs tend to mention the Commons as an afterthought, if at all.

6. Demonstrating commitment at the topmost levels of the department. When ministers and senior officials have exhibited by their actions a determination to consult Canadians, it is noticed—but partly because it seems so rare. Notwithstanding the good intentions and considerable patience of ministers, there is a widespread disbelief among interested publics that the department is committed to the value of engaging Canadians—except as a tactic of public relations or inter-departmental bargaining. It is equally widely held that business interests receive a kind of hospitality in the Pearson Building that other interests do not. Responsibility for correcting these perceptions, for fulfilling the Government's pledge to "an open foreign policy process," begins at the top.

7. Exploiting the new technologies. It is fair to say the department's use of the Internet in the work of public consultation remains experimental and tentative. But it also deserves saying that in the APEC and Santiago cases the Internet was used to distribute information fast and cheaply. More of this can be tried, with a stronger emphasis on multiple flows of communications in and out of DFAIT and among interested Canadians. This is one technique of overcoming constraints of cost. It also invites easy involvement of groups outside Central Canada, who often feel neglected in the business-as-usual of interest-group politics in Ottawa.

8. Embedding routines of consultation in the policy process. It is always wrong, and frequently a blunder, to leave public participation out of policy-making. MAI (about which no more need be said) demonstrates again the lamentable effects of failing to integrate consultation into policy from the start. Among other things, the public in its forced ignorance is left to suspect the worst. The transparency and accountability of democratic government allows citizens to consider policy *before* it is made as well as after. Policy can be made better that way; it is more democratic; and it is more likely to survive the future's uncertainties.

Much has already been accomplished in opening the processes of foreign policy to the participation and support of Canadians. But as members of the department and NGO activists acknowledge, we are all still new to this—still learning the skills of consultation, accommodation and decision. The object in this short report has been to advance that work, by marking recent progress and clarifying issues for the future.